

1955

4355

among the delegates against the close relationship between Chou and Nehru?

Answer. Precisely. It was the preconference teamwork of Chou and Nehru that was resented, resisted, and challenged apparently successfully—by the other delegates. Even the so-called neutralists—whom I prefer to call the uncommitted—definitely came out against communism as a form of world imperialism.

Question. Then you don't think people in this part of the world see communism as "the wave of the future?"

Answer. Definitely not. For example, I have talked to Indonesian officials who favor freedom for all people, but privately are worried about independence for Malaya where there is already a strong Communist movement. They are afraid an independent Malaya now would be a Communist Malaya and they're against any more of southeast Asia falling into the hands of the Communists.

Question. Isn't that encouraging for America?

Answer. Of course. Actually, in some ways, Chou En-lai stupidly helped our cause. Question. What do you mean?

Answer. For instance, take what happened toward the end of the opening session. When every single one of the delegates invoked the blessing of their god upon the conference, Chou arose and said, "We Communists are atheists." In the midst of that deeply spiritual atmosphere, Chou played right into our hands with this astounding tactical blunder. It literally shocked many delegates.

Question. Did you find any support here for America's position on the Formosan problem.

Answer. Non-Communist countries didn't want to raise this question at the conference because they didn't want to antagonize anyone, including the United States. But behind the scene, many delegates told me Quemoy and Matsu should go to Red China. All of them definitely are against the use of force by either side—Communist China or the United States—to settle the Formosa problem.

Question. How much support did you find here for Chiang Kai-shek and his Nationalist Chinese?

Answer. Very little.

Question. Did you talk to the delegates about thermonuclear weapons?

Answer. Yes, I did. They had originally placed that question on the agenda and struck it off because they thought it would give Red China an opportunity to sound off against America. However, to a man the delegates I saw were appalled at the mere thought of the United States using thermonuclear weapons. This emphasized to me again that this was a conference for peace.

Question. Did you find much support for the admission of Communist China to the United Nations?

Answer. The question of Red China's admission was not considered, by itself. You must remember that more than one-third of the countries represented here do not belong to the United Nations. If the question of Red China's membership in the U. N. had come up by itself it would have been defeated by a vote of 16 to 12. But, if the vote dealt with the question of admitting all nations—including Red China—you will find most of the nations here supporting it.

Question. Were most of the delegates you talked to for or against continuing restrictions on strategic trade with Red China?

Answer. It so happened that Burma actually moved that these restrictions be lifted but it was opposed by the Philippines and Thailand. Since no motion could be carried without a unanimous vote, that move failed. But, on a simple majority vote, that motion would have carried.

Question. If controversial questions such as Formosa were avoided, why did this Conference devote so much time to Palestine—which certainly is a controversial subject?

Answer. The Arab bloc had the Colombo powers over a barrel from the very beginning. The Colombo powers didn't want the Arab countries to boycott the Conference, and so they were literally forced not to invite Israel. Therefore, when the question was raised by the Arab bloc it had to be dealt with. Nehru tried to pour oil on troubled waters by trying to persuade the Arabs to keep the discussion as calm as possible.

Question. As a Negro, did you feel the Communists were able to exploit the color question for their ends?

Answer. They came fully prepared to do so. They sent in advance a girl from Ceylon to ask loaded questions at all press conferences. At a Union of South Africa press conference she asked, "What aid can you hope for from the United States when it has the same doctrine of segregation toward the Negro as South Africa?"

The Communists wanted to show that the United States was practicing racialism within its own borders—but they failed to achieve their purpose.

Question. Was there any resentment here against you, as an American, attending the Conference as an observer?

Answer. Quite the opposite. I was received here with open arms. Many of the delegates were friends of mine. In fact, I felt I did a lot of good. I was able to stop Communist propaganda concerning the American Negro by holding a press conference. At least, after my press conference the Communist press gave up attempts to smear the United States on the Negro question. I did this simply by telling the truth about the race problem in the United States.

Question. But wasn't racialism as a world problem still a major question at this Conference?

Answer. Yes. The subjects of racialism and colonialism were questions on which all delegates agreed. And here our Nation was definitely hurt. Even our best friends at this Conference, such as the Philippines, stood firm for complete elimination of racialism and colonialism.

Question. You have mentioned several times the question of colonialism. What is the feeling here toward America's attitude on that issue?

Answer. We can no longer underestimate the passionate determination among these people that all men should be free. The delegates here who disagreed bitterly on the question of communism were united on the question of colonialism. They simply cannot understand why the first Nation in the world to defeat colonialism is now siding with colonial powers.

In the United Nations we abstain when the question of independence for North Africa and other colonies comes up. But this does not fool the leaders of the Asian and African nations at this Conference. They regard abstention on colonialism as a vote for it. From this Conference on, the United States, if it continues to abstain on colonial questions, will lose the support of Asia and Africa.

Question. You've talked to many delegates here. On the basis of these talks, what do you think the United States can do to win more friends among the peoples of Asia and Africa?

Answer. Here are obvious things we must do: Quit taking the side of colonialism in the U. N.; clean up the race problem in the United States as rapidly as possible, and get across the tremendous progress we've already made; appoint more Negroes to our foreign diplomatic posts.

President Eisenhower should invite the Colombo powers to a top-level conference on the problems of Asia. This is nothing unusual. It's the historic approach we have taken in formulating our European policy. There is no reason why we cannot do the same in formulating an effective policy in Asia. We must do it now because these people of Asia and Africa are on the march, demanding admission at the front door into the fraternity of modern mankind.

Question. After attending this conference, do you feel more hopeful about the prospect of stopping communism in Asia?

Answer. Most assuredly I do, but not on the basis of what we are doing now. We cannot defeat communism in the Far East with military alliances alone. These people do not want communism. They are hungry for freedom and democracy. Even Nehru, who is friendly with Red China, bitterly fights communism in his own country. To the people here, communism is not the only problem. They need the understanding and help of the United States to solve their ancient problems of poverty and colonialism.

Mr. SMITH of Virginia. Mr. Speaker, I rise to urge the adoption of House Resolution 215, which will make in order the consideration of the bill (H. R. 4954) to amend the Clayton Act by granting a right of action to the United States to recover damages under the antitrust laws, establishing a uniform statute of limitations, and for other purposes.

House Resolution 215 provides for an open rule, with 2 hours of general debate on the bill itself.

H. R. 4954 would provide that whenever the United States is injured in its proprietary capacity through violations of the antitrust laws that the United States may institute action to recover actual damages incurred through these violations. Under existing case law it is now held that the United States is not a person to sue under the statute.

The proposed bill would also provide that private treble damage actions for violations of the antitrust laws as now provided in section 4 of the Clayton Act, as well as actual damage suits by the United States, shall be governed by a uniform Federal statute of limitations of 4 years.

H. R. 4954 would also provide that the statute of limitations with respect to private antitrust actions shall be tolled for an additional year after the termination of a Government antitrust proceeding in order to permit the parties to take full advantage of a final Government decree as prima facie evidence of their case and to have sufficient time in which to file suit.

Section 7 of the Sherman Act would be repealed by H. R. 4954, since this section has been superseded by section 4 of the Clayton Act, and finally the bill would provide that the effective date of the measure would be 6 months after the date of its enactment.

H. R. 4954 attempts, Mr. Speaker, to furnish the necessary statutory foundation which the Supreme Court in the Cooper case decision declared essential to a recovery by the Government. The Court declared at that time that "the Government must have statutory authorization before it can sue for treble damages under the Sherman Act." This

April 26

bill, however, would only grant the Government the right to recover actual damages, since it is felt that if the Government could recover triple damages it would have a disastrous economic effect upon business concerns doing a great proportion of their business with the United States Government.

Mr. Speaker, this bill is open to amendment on the floor; there are no restrictions in the rule regarding amendments, and for this reason I hope that the House membership will adopt House Resolution 215, which would provide for the consideration of the bill under an open rule and with the very ample time of 2 hours for debate on its provisions.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

PRINCIPAL OFFICE BUILDING FOR ATOMIC ENERGY COMMISSION

Mr. DURHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5645) to authorize the Atomic Energy Commission to construct a modern office building in or near the District of Columbia to serve as its principal office.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 5645, with Mr. SMITH of Mississippi in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. DURHAM. Mr. Chairman, I yield myself 10 minutes.

(Mr. DURHAM asked and was given permission to revise and extend his remarks.)

Mr. DURHAM. Mr. Chairman, this is a very simple bill and not very difficult to explain. I am sure every Member of the House is familiar with the Atomic Energy Commission and the fine work it has done for our national defense and also the fine work it has done on the matter of dispersal. The question of dispersal has been raised here this morning. I do not believe we have any agency of the Government that has followed the dispersal principle more carefully than the Atomic Energy Commission. If one cares to look at where our laboratories are situated, he will find that they are well placed in all parts of this country. They are primarily convenient for the scientific personnel and the colleges. Storage facilities and everything connected with this work is well dispersed.

PRINCIPAL OFFICE BUILDING FOR THE ATOMIC ENERGY COMMISSION

The bill up for consideration will authorize the Atomic Energy Commission to acquire a site in or near Washington, D. C., for a principal office building. It will authorize the Commission to pre-

pare or supervise the preparation of plans, specifications, and design of such a building together with necessary auxiliary items such as guard stations, access roads, and garage.

It will authorize the Commission to handle the construction of the building itself.

The total cost of site, engineering, and construction for this building shall not exceed \$10 million.

The project will be paid for from funds presently available to the Commission.

The bill, however, also authorizes additional appropriations for the project if rising costs or other necessary circumstances require them.

I should like to briefly state for the information of the House some background on this building: The AEC, when it first set up its offices in 1947, was assigned the Old Public Health Building. At the time this was perfectly adequate to meet the purposes and needs of the Commission. It had a small staff of about 300. Since that time the Commission programs for the defense of the free world have expanded mightily.

To date more than \$12 million have been invested in the atomic-energy program and concurrent with this expansion the Commission administrative responsibilities and staff have increased with a Washington headquarters of about 1,200 people. With the adoption by the Congress of the Atomic Energy Act of 1954 last year and with the concurrent additional responsibilities for licensing and establishing the procedures under which a new atomic industry will arise, it is estimated that the Commission staff will increase to approximately 1,300 persons by next year.

As of today the Commission's Washington headquarters, which I might point out is required by the Atomic Energy Act of 1954 to be in or near the District of Columbia, is housed in four separate buildings. One is the Public Health Building, 19th Street and Constitution Avenue NW. The other three are temporary buildings spread along Constitution Avenue at 15th Street. The temporary office space which houses two-thirds of the Commission's staff is not well suited to the requirements of an agency like the Commission. The fact that the Commission is spread through four buildings has, in the opinion of the joint committee, two very serious objections. First and foremost, it is undesirable from a security standpoint. In order to transact Commission business classified documents must be moved in large volume among three of the buildings. This greatly increases the risk of compromise of documents. Secondly, the temporary buildings are not well laid out from a security standpoint. Not only is some security risk inevitable in the present setup, but the cost of the guard force is considerably increased since four separate buildings must be guarded, whereas if the force were all in one building, public access to the building could be controlled through one entrance and a better guard force maintained with far less personnel.

The General Services Administration has informed the Commission officially that it does not have any suitable space

in the District of Columbia and its suburbs which it can make available to the Commission. The Commission was therefore authorized in the 1955 Appropriations Act to rent 250,000 square feet in the Washington area.

As an alternative to renting space the GSA and the Commission, with the approval of the Director of the Bureau of the Budget first proposed to have an office building erected under the Public Buildings Purchase Contract Act of 1954, on the grounds that this will be less expensive than renting available space.

The alternative of using the lease-purchase method rather than renting was favorably considered by the House Public Works Committee. The Senate Public Works Committee approved the lease-purchase method subject to consultation with the Joint Committee on Atomic Energy. It should be stressed that neither the House nor the Senate Public Works Committees had before them the third alternative, namely, direct Government construction.

In view of the fact that the Senate Public Works Committee sought the guidance of the Joint Committee on Atomic Energy, the Joint Committee carefully considered the matter in executive session with the Commission and decided that, in the case of the proposed AEC building, the lease-purchase method was undesirable for the following reasons:

First, the lease-purchase method of constructing public buildings was devised principally for the construction of court-houses and post-office buildings. The country faced the problem of rapidly constructing a large number of new post offices and courthouse buildings in order to make up for construction which was not performed during the war years. The lease-purchase method provides a system for having a large number of these buildings built in the near future while paying for them over a 25-year period.

Second, these buildings would normally be built in the center of a city for one long-term tenant and the builder could be sure that the tenant would be in the building long after the Government took title to the building. In the case of the Atomic Energy Commission building, however, the structure would be located in a spot removed from the center of the city, in fact probably removed from the city itself. The contractor would always have to plan for the eventuality that the Government canceled the lease before the expiration of the 25-year time. The rental payments would have to take this into consideration.

And, third, the Atomic Energy Commission's office building requirements are somewhat different from that of the average general-purpose office building, partly because of its great volume of classified documents and special security requirements.

The Joint Committee on Atomic Energy came to the conclusion that direct construction by the Atomic Energy Commission would be most advantageous.

TYPE OF BUILDING

The Commission proposes to have a building with a gross floor space of 400,-

1955

4357

000 square feet and a net, usable floor space of 230,000 square feet erected. The building will be a 3-story reinforced concrete structure, described by the Commission as "functional in concept and devoid of excessive embellishments and extravagant appointments."

In addition to the building, it will be necessary to provide parking space for 500 cars, a water supply system and a sewage disposal system. About 20 acres of land would be required. The location for this structure has not been selected. The Commission desires to locate this building approximately 20 to 30 miles from the center of the city of Washington in order to meet present dispersal criteria. It would also be necessary that the location be west of the north-south line through the center of the city of Washington. As a practical matter this means locating the building on an arc which passes through Frederick, Md., and Leesburg, Warrenton, and Fredericksburg, Va. The building would be located on a main arterial highway so as to be not more than 45 minutes commuting distance from the city of Washington.

The cost of constructing this building, based on 1954 materials and labor figures is estimated at \$8.5 million. To protect against the contingency of rising building and labor costs in the next 2 years the joint committee has set a limit of \$10 million on this building, since the Commission could not fund for increased costs without additional authorizing legislation were the figure in the bill limited to the 1954 estimate of \$8.5 million. The Bureau of the Budget has informed the committee that it will limit the Commission's spending on this building to \$8.5 million if the Congress passes the bill to authorize the new office building, unless an increase is justified by a rise in material and labor costs.

The Atomic Energy Commission has expressed satisfaction with the joint committee's recommendation as has the Bureau of the Budget.

COST ANALYSIS

The Commission estimates that it will cost \$2.50 per usable square foot to construct its own office building and amortize it on a 40-year basis. On a 25-year basis it is estimated the cost would be \$2.57 per usable square foot. This compares most favorably with the lease-purchase cost which would have been \$3.47 per usable square foot, according to estimates of the General Services Administration. The GSA and the AEC estimate that the cost of renting a building in downtown Washington with 255,000 square feet of usable space would be \$3.54 per usable square foot.

All square-foot costs listed above are on an annual basis.

There is another matter that entered our consideration:

The major products of the AEC, and the prime military reasons for its existence and its present large size, are atomic and hydrogen weapons. It is these very weapons which have required the country to attempt a dispersal policy with regard to its vital industries. It thus

seems to the joint committee most appropriate that the AEC, which is the country's expert on the effects of atomic weapons, should follow the dispersal recommendations for which its staff is largely responsible.

As long as the Commission maintains its headquarters in the District of Columbia it is necessary that it also maintain an emergency headquarters at a point which meets these dispersal criteria. By locating its offices at a point which meets the dispersal criteria the additional expense of an emergency headquarters in the Washington area can be dispensed with.

The precise location of the building will be a decision of the executive department, based upon the technical facts developed by the Atomic Energy Commission and the Office of Defense Mobilization.

I urge the passage of the bill.

ESTIMATED COSTS FOR AEC OFFICE SPACE

First. Rental: Rental of building on H Street in District of Columbia which has 255,000 square feet of usable space:

Annual rental payments.....	\$685,000
Other housing costs.....	215,000
Total.....	900,000
$\frac{\$900,000}{255,000} = \3.54 per square foot of usable space per year.	

Second. Lease-purchase method: 232,000 square feet usable space:

Interest at 3½ percent and amortization.....	\$498,000
Managerial, custodial, heat utilities.....	268,000
Annual payment on construction overhead.....	16,000
Maintenance of property.....	40,000
Real-estate taxes.....	135,000
Insurance.....	17,000

Total annual operating cost.....	974,000
Less value of land and buildings at end of 25-year contract period..	169,000

Net annual cost.....	805,000
$\frac{\$805,000}{232,000} = \3.47 per square foot of usable space.	

Third. Direct AEC construction: Using 2½ percent interest rate, 25-year amortization period:

Annual savings on interest.....	\$56,000
Annual savings on insurance.....	17,000
Annual savings on taxes.....	135,000

Total annual savings over lease-purchase method.....	208,000
\$806,000 less \$208,000 = \$597,000.	
$\frac{\$597,000}{232,000} = \2.57 per square foot of usable space.	

Using 2½ percent interest and 40-year amortization period:

Annual savings on interest and principal.....	\$74,000
Annual savings on taxes.....	135,000
Annual savings on insurance.....	17,000

Total.....	226,000
\$805,000 less \$226,000 = \$579,000 total annual cost.	
$\frac{\$579,000}{232,000} = \2.50 per square foot of usable space.	

AEC CONSTRUCTION EXPERIENCE

AEC expenditures for plant and equipment:

	Million
Fiscal year 1953.....	\$1,100
Fiscal year 1954.....	1,100
Fiscal year 1955.....	900

During this 3-year period AEC estimates that \$300 million was spent on construction of community, light laboratory, and administrative type building.

Department of Defense expenditures for construction of all types:

	Million
Fiscal year 1953.....	\$2,000
Fiscal year 1954.....	1,700
Fiscal year 1955.....	1,400

The Bureau of Reclamation, Department of the Interior construction expenditures:

	Million
Fiscal year 1953.....	\$200
Fiscal year 1954.....	170
Fiscal year 1955.....	135

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield.

Mr. COLE. As the gentleman has indicated the original Atomic Energy law required the central office to be in the District of Columbia. When the joint committee last year undertook a general revision of the Atomic Energy Act, at the request of the chairman of the Atomic Energy Commission, Mr. Strauss, the statutory limitation on the location of the office was extended to beyond the boundaries of the District of Columbia. Mr. Strauss made that request, having in mind the desirability of placing the central office of the Atomic Energy Commission farther away than the District of Columbia itself, but within a reasonable distance, to make it accessible to other sensitive agencies.

Mr. DURHAM. The gentleman is correct.

Mr. Chairman, I feel that this measure should be adopted.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Iowa.

Mr. GROSS. I may say to the gentleman I still have not heard any compelling reason for the location of this structure in or near the vicinity of the District of Columbia.

Mr. DURHAM. I tried to say to the gentleman that this does not involve what one might call the strategic operations, but more or less paperwork and clearinghouse activities.

One reason why we provided that this building should be outside the District of Columbia was the matter of protection of records. We believe we can build a very safe vault.

Mr. GROSS. And does not the gentleman think a safe vault could be built out in the Midwest, for instance?

Mr. DURHAM. Unquestionably a safe vault could be built anywhere; but the gentleman well knows that in the case of a large agency like this there must be a central agency convenient to Government. The need of consultation with the members of the Commission by Mem-

April 26

bers of Congress is necessary; and then in the matter of representatives of the Commission coming to Washington for appropriations and hearings could cost a great deal of money and cause a great deal of inconvenience and waste of time. Think what this would be if we moved it somewhere away from the city of Washington at a long distance.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Illinois.

Mr. PRICE. Is not the language of the appropriation bill in conformity with the language in the existing Atomic Energy legislation?

Mr. DURHAM. That is correct.

Mr. PRICE. And is it not also a fact that this bill in providing for a possible construction within 20 or 30 miles of Washington also is in conformity with the dispersal policy enunciated by the Government?

Mr. DURHAM. It is. I believe that is a recommendation of the Security Council of the Federal Government.

Mr. GROSS. Is it not also a fact that the original Atomic Energy Commission legislation has been expanded to say that the structure may be built outside of the District of Columbia?

Mr. DURHAM. It was; yes.

Mr. PRICE. The existing legislation uses exactly the same language as the bill presented here today: "In or near the District of Columbia."

Mr. GROSS. But that is taken from the original language.

Mr. DURHAM. I would like to call the attention of the gentleman from Iowa to the fact that at the time the original act was passed we had no knowledge of the blast effects of an atomic explosion. The committee, therefore, is concerned about that. That is the reason we have suggested it outside the city of Washington.

Mr. GROSS. Now with knowledge of the blast effect of an atom or a hydrogen bomb, we realize that even at 30 miles it is not out of the blast zone. Is not that correct?

Mr. DURHAM. It would be out on the fringe of the blast effect.

Mr. PRICE. If the gentleman will yield further, I would say that as far as the dispersal angle is concerned this meets the criteria of dispersal.

I would like to point out that the situation here is a little different from that of the ordinary Government agency. The Atomic Energy Commission is compelled by law to keep a standing committee of the House and Senate, a joint committee, currently informed on all phases of its program. The result is that these commissioners and all the top officials of the Atomic Energy Commission spend almost as much time in congressional committee rooms as they do in their own conference rooms in their own building here in Washington. In this respect it is different from most of the Government departments.

Mr. DURHAM. The gentleman from Illinois is correct, and the committee is in almost continuous session. The cost at a great distance would be prohibitive.

(Mr. DURHAM asked and was given permission to revise and extend his remarks.)

Mr. COLE. Mr. Chairman, I yield myself 7 minutes.

(Mr. COLE asked and was given permission to revise and extend his remarks.)

Mr. COLE. Mr. Chairman, apparently the only item of controversy in connection with this proposal is with respect to the location of the office. I might take just a moment to repeat what I had earlier said in explaining how it came about that this expression is used in the bill before us: That the central office of the Commission be located "in or near the District of Columbia."

The original Atomic Energy Act required the central office to be in the District of Columbia. Last year the Chairman of the Atomic Energy Commission, being very sensitive to the need for dispersal, requested that the basic law of the Commission be changed so that the central office could be in or near the District of Columbia, leaving it to the discretion or judgment of the Commission or the appropriate committees of the Congress as to what constitutes "near," having in mind the atomic hazards to which this activity might be subjected.

The Joint Committee on Atomic Energy is likewise sensitive to the need for dispersal and feels that if for no other reason than that this agency should set a pattern for other agencies of Government as well as industrial activities, that reason alone justifies the central office being located some reasonable distance from the District of Columbia. As the gentleman from Illinois has indicated, the Atomic Energy Commission, is in constant communication with the joint committee and other committees of Congress and, of course, with other agencies of Government located here in the District or adjacent to the District which are of equal sensitivity. I have in mind the Defense Department, the three service departments, all of which are located practically within the District of Columbia. I have in mind the proposal that the Central Intelligence Agency is about to be located somewhat near the District of Columbia. Of course, that is a very important and sensitive agency.

The House can be assured that the problem of dispersal is one which is of concern to the Commission as well as to the joint committee and what eventually will be determined to be the location will be a location that is at a reasonable distance, having in mind the need for dispersal and the obligations of the Commission to commute between the central office and the Capitol Building as well as other agencies of the Government.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. COLE. I yield to the gentleman from Ohio.

Mr. JENKINS. May I say that I had the honor of serving for some time on the Joint Committee on Atomic Energy. If the gentleman from New York who was the chairman of that joint

committee tells me that the Atomic Energy Commission has passed on this matter and approved it and that the Joint Committee on Atomic Energy has considered it and recommended it, I guarantee to anybody that it has been given thorough consideration by competent individuals whose judgment is good enough for me.

Mr. COLE. I thank the gentleman. I should advise the House that there is an understanding between the Commission and the joint committee that before any final decision is made in respect to the exact location of this building, the Commission will apprise the joint committee of that recommendation and come to some agreement in that respect with the joint committee.

The House should also be advised that the matter of an office building was first submitted to the Committee on Public Works of the House with a request that funds for that purpose come from what is called the lease-purchase program for Government buildings. The Committee on Public Works interposed no objection to the Commission using that avenue of approach in acquiring the funds for this office building. The Commission also last year went to the Committee of the Senate on Public Works and obtained from the Senate committee an acquiescence providing the joint committee approved of the construction of the building. The Commission came before the joint committee about a month or 6 weeks ago with its request for approval of an office building. The joint committee felt that because of the peculiar nature of this office building—its type of construction necessarily must be different from the ordinary office building for reasons of security—and because of the amount of money involved, \$10 million, it would be better for the Commission to obtain this authority independently of the lease-purchase program. So the joint committee recommended this procedure.

It should be pointed out also that funds for the construction of the building are already available to the Commission. It has sufficient funds in its control now to build it, but because of the fact that the Congress last year required specific authorization hereafter for the appropriation of funds for construction of any plants, buildings or property, the Commission following out the spirit of that recommendation came to the joint committee for specific authority. That is what the pending bill before the House this afternoon does; it is to authorize the appropriation of funds specifically for the construction of this office building to be built by the Commission under its own contract, its own staff, and according to its own peculiar requirements to meet the security considerations.

I would like now to comment on an aspect of this bill which I believe to be of particular importance—that is, security. The AEC now has offices in 3 different buildings. It has in temporary buildings such important Divisions as Reactor Development—charged primarily with the responsibility for development of reactors for power and propulsion of

naval vessels and aircraft; Raw Materials—responsible for domestic and foreign procurement of ore; Biology and Medicine, Research, Security, and other important divisions. Necessarily there must be a constant shuttling back and forth between the main building and the temporary buildings of key personnel and of records and documents. Many times these documents are carried by the persons who are going to utilize them. Some of them are quite sensitive. With thousands of classified documents flowing between buildings each year, this situation is going to result in the loss or compromise of a sensitive document sooner or later.

Moreover, the security rules of the AEC, as in the case of many other agencies, require that no classified information be discussed on the telephone. Obviously, this means a great deal more of face-to-face contact by key personnel than would otherwise be necessary. For key personnel located in separate buildings, this requires a further and considerable loss of valuable time.

This bill will permit the AEC to construct a modern building with all the latest protective security devices and vaults. At present the Commission must secure its sensitive documents by placing them in hundreds of separate locked file cabinets. In a single office building sensitive files can be placed in centrally located vault type file rooms at a greatly reduced cost and with maximum protection.

As I have pointed out the Commission is now housed in 2 temporary buildings as well as the Old Public Health Building. To guard these old temporaries requires an extremely large guard force. In fact, the AEC shares one of its buildings with another agency. Guards must be placed in all the common corridors in addition to all the doors leading out of the building. Housing the Commission in a single building will of course vastly reduce the necessary guard force.

You have seen, Mr. Chairman, the typical temporary buildings such as the AEC is now using. To make one of them secure is a complicated and expensive operation, and with the best efforts, one can never be sure. I have utmost faith in the security officers of the Atomic Energy Commission, I know they are doing a conscientious job, but there is a limit on the type of security one can have with such facilities as are available.

A modern office building equipped with all the latest protective devices would not only save money by saving executive time and reducing security guard forces but it would give a greater degree of protection to the Nation's vital atomic secrets.

Mr. DURHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I rise to speak in support of this bill not only for the important and cogent reasons expressed by my distinguished colleague the vice chairman of the joint committee, and our distinguished colleague from New York, but because I believe the building of this new headquarters in accordance with established dispersal cri-

teria will set a splendid example for the whole country.

In these days of hydrogen bombs with utter, devastating destructive capability, we must pay attention to the one simple, yet effective, answer—disperse our industry, our cities, and our important governmental agencies. That the AEC will build its headquarters in accordance with dispersal requirements, for which incidentally it bears a major responsibility, makes sense to me, and even if reasons of economy, and security, and prudent business did not persuade me to the need for passage of this bill, the overriding need for dispersal would.

Let me amplify my reasons. The threat of atomic attack on this country is still real and this peril may remain for many years. Most of those who have studied the problem are convinced that some measure of additional protection is afforded to this country's vital industry and key Government agencies by relocating them at sites meeting dispersal criteria. Obviously a target high on the list of any nation launching an atomic attack against this country would be the seat of its Government, Washington, D. C. Because of the huge investment in existing plants, any dispersal is going to have to take place over a period of years. I am quite convinced that the relocation of the Atomic Energy Commission headquarters at a site meeting dispersal criteria would set a splendid example for the rest of the Government and private industry. If the agency with as much knowledge of the terrible destructive capability of thermonuclear weapons relocates its headquarters, I am sure others will recognize the need for them to do likewise.

I understand that the agency believes it can meet dispersal criteria and locate its headquarters not more than 20 miles from the Washington monument. By not going a greater distance from Washington the impact on its employees should be considerably lessened.

Moreover, it will minimize the inconvenience the distance which must be traveled in order to conform with other Government agencies. Obviously no relocation such as this can take place without some inconvenience. I am as sure that the agency will take very reasonable precaution to minimize any inconvenience.

I urge the passage of the bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PRICE. Yes; I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Someone a few moments ago, the gentleman from Illinois or the gentleman from North Carolina, established the effective blast area as 30 miles. Why do you now speak in terms of perhaps locating this structure within the blast area?

Mr. PRICE. I said about 20 miles. I think the assurance we have from the Commission would be within 20 to 30 miles.

Mr. GROSS. The bill contains a provision "a suitable site in or near the District of Columbia." I assume from what the gentleman has said that he would

not oppose striking out the language "in or near the District of Columbia."

Mr. PRICE. I would oppose any amendment that would limit the Commission to constructing the building within the District, and I think unless we have "in or near" it would be limited to the District.

Mr. GROSS. Well, how can you be 20 miles from the Washington Monument and still be in the District of Columbia?

Mr. PRICE. It says in or near the District of Columbia. I should say that anywhere within 50 miles could be considered near in this age.

Mr. GROSS. I think "in" means exactly what it says—in the District of Columbia.

Mr. PRICE. That is correct; "in" would mean that, but it does not say that. It says in or near the District of Columbia.

Mr. GROSS. It says in or near the District of Columbia.

Mr. PRICE. That is correct.

Mr. GROSS. So the structure still may be constructed in the District of Columbia, if this bill is passed.

Mr. PRICE. That is correct; it could be, but it is not the intention of the Commission to do that. It is the Commission's request that we liberalize the language so that it can go outside the District of Columbia.

Mr. HOFFMAN of Michigan. Why not make them go outside the District of Columbia?

Mr. GROSS. That is the point; let us make them go outside the District of Columbia. Let us get the building out of this blast area.

Mr. PRICE. I do not suppose that they would have any objection to that, because it is their intention to do that.

Mr. GROSS. I was in hopes that the gentleman would say that he would not oppose an amendment to the bill providing for construction outside the blast area.

Mr. PRICE. I do not see any need for an amendment to the bill, because I know that it is the intention of the Commission to build outside the District of Columbia.

Mr. GROSS. I am sure the gentleman from Illinois knows that the gentleman from Iowa [Mr. Gross] does not know that is the intention of the Commission.

Mr. PRICE. I can appreciate that, but I think the gentleman from Iowa can take the assurance of the Commission, through the Congressional Joint Committee, that that is the intention of the Commission. I can appreciate the gentleman's concern.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I am glad to yield to the gentleman.

Mr. HOFFMAN of Michigan. I should like to say to our good friend this: Why should we have to take everybody's word for their intention? We have been let down so many, many times, I am sure the gentleman is aware of that, why not put this outside the District of Columbia? We know the District of Columbia is overcrowded.

Mr. PRICE. Of course we do. And that is the reason why I do not see any possibility of the commission staying within the District of Columbia. They would not have the space to stay here. They are the ones who are requesting that they be allowed to go outside.

Mr. HOFFMAN of Michigan. It is not fair to the District, because here is some more property that would be Federal property and, therefore, not taxed. It is not fair to dump all this stuff onto the District. Why should we not put it in the bill that they should go outside?

Mr. PRICE. We are not going to do that. The Commission does not intend to do that.

Mr. HOFFMAN of Michigan. That is what the gentleman says, that they do not want to do that, that they do not intend to do that and everybody is agreed. So why not put it into the bill? What is the objection to stating it?

Mr. PRICE. I do not see any necessity of stating it. There probably would not be any objection on my part, but I do not see any necessity for it in this particular case.

Mr. HOFFMAN of Michigan. We have been promising the taxpayers a great many things over the years and have not come through on many of them. Why not put it in the bill now?

Mr. COLE. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I rise for a few minutes in hearty support of this bill to authorize the Atomic Energy Commission to construct a modern office building in or near the District of Columbia, to serve as its principal office. I should like the record to show that there are in my congressional district, which starts right here on the borders of Washington, in Montgomery County, and in western Maryland a number of very, very suitable locations for this building; suitable not only from the standpoint of a location for an office building but desirable from the standpoint of relieving economic distress in areas within a 30-mile radius of Washington. Those areas are losing business that they now have as a result of shut-downs and changes made in industries now located there.

So I should like to commend to the Atomic Energy Commission the serious consideration of that part of Maryland known as Western Maryland for the location of this atomic-energy building.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield.

Mr. COLE. I am not sure whether the gentleman from Maryland is aware of the fact or not, although I think he undoubtedly is, but just on the outside chance that he may not know of it and for the purpose of giving him some comfort and the people he represents some degree of hope, it is a fact that the Commission has had under consideration and still has under consideration locating the office building in the section of Maryland which the gentleman represents.

Mr. HYDE. I thank the gentleman for that information. I have heard something about that. Of course, on the

basis of that information we have high hopes.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield.

Mr. HOFFMAN of Michigan. I notice the bill carries \$10 million. Is that for the survey or the drawing of the plans?

Mr. HYDE. I know nothing about the details of the plan.

Mr. HOFFMAN of Michigan. What is that \$10 million for? Is that just for the making of plans or the making of a survey?

Mr. HYDE. I would prefer the gentleman ask that question of someone more qualified to answer it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman is satisfied with the bill as it presently stands because there is a good chance that the building will be located in his district. Is that correct?

Mr. HYDE. I would say that is substantially correct, yes.

Mr. DURHAM. If the gentleman will yield, since the question was raised by the gentleman from Michigan, I can assure him that this includes not only the surveying and planning but the completion of the building.

Mr. HOFFMAN of Michigan. I want to commend the gentleman for serving his district. I do not have any criticism and I do not think my friend from Iowa has any criticism because the gentleman wants it for his district, because that is natural and commendable.

Mr. HYDE. I deeply appreciate the gentleman's commendation.

(Mr. SMITH of Mississippi (at the request of Mr. DURHAM) was given permission to extend his remarks at this point in the RECORD.)

Mr. SMITH of Mississippi. Mr. Chairman, I support this bill to authorize the construction of an office building for the Atomic Energy Commission headquarters. I hope I will be pardoned for pointing out that action on this legislation justifies a position which I took last year in opposing the request of the Atomic Energy Commission for approval of the construction of the headquarters under the lease-purchase system.

The lease-purchase plan was not designed for the construction of buildings so immediately essential to the proper conduct of our national-defense effort. The funds for this building have already been appropriated by the Congress.

If this headquarters building had been built under the lease-purchase arrangement which was proposed by Admiral Strauss in 1954, the cost to the Government would have amounted to several million dollars more. The method being used to authorize construction of the building is by far the simplest and certainly the best one from the viewpoint of the American taxpayer.

The action of the House here today makes it clear hasty action should not be taken on these lease-purchase projects. It is obvious that the administration is realizing that the lease-purchase plan is not the panacea that many

originally assumed it would be. Lease-purchase should be used only for the construction of essential buildings for which there is no possibility of direct appropriations being provided.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Atomic Energy Commission is authorized, with funds presently available or otherwise made available to it, to acquire (by purchase, condemnation, or otherwise, under the applicable provisions of chapters 14 and 15 of the Atomic Energy Act of 1954) a suitable site in or near the District of Columbia and, notwithstanding any other provision of law, to provide for the construction on such site, in accordance with plans and specifications prepared by or under the direction of the Commission, of a modern office building (including necessary related equipment, and auxiliary structures, as well as vaults for the protection of restricted data) to serve as the principal office of the Commission at a total cost of not to exceed \$10 million and for that purpose there is authorized to be appropriated such sums as may be necessary.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 1, line 7, strike out "in or near" and substitute the words "not less than 30 miles from."

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I want to make certain that this structure is not going to be erected at a cost of \$10 million within the District of Columbia. My amendment simply provides that the structure shall be built not less than 30 miles from the District of Columbia, which would take it beyond the primary-blast area.

The members of the committee themselves have stated on the floor that the primary-blast area of an expected atomic weapon would be 30 miles. There is nothing complex about this amendment at all, Mr. Chairman. It would simply take this structure beyond the primary area.

We talk a lot about civil defense but there is only one effective civil-defense program and that is the widest possible dispersal of prime targets.

Personally, I can see no reason why this Atomic Energy Commission building should not be constructed somewhere in the country much further removed from the National Capital than 30 miles, in view of modern methods of communication, but I am willing to go along with the committee to the extent that this building be constructed beyond the primary-blast area.

Mr. Chairman, I urge adoption of the amendment. If the threat of atomic warfare is as real as it is purported to be, and if Congress is not merely giving lip-service to dispersal of prime targets, then there can be no question of the location of a new, \$10 million structure safely distant from the target area of the District of Columbia.

Mr. COLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as has been indicated in the earlier discussion of the bill, the

basic law, the law which the House considered and the Congress passed last August requires that the central office of the Atomic Energy Commission be located in or near the District of Columbia. It is appreciated that the gentleman from Iowa has this concern over the safety of the Atomic Energy Commission and the people who will be employed in this new office building.

I do not know, Mr. Chairman, of any agency of Government which is more aware of the hazards of an atomic attack than the Atomic Energy Commission itself. I am not aware of any group in the Congress which is more aware of and alive to the hazards of atomic attack and the need for dispersal than the Joint Committee on Atomic Energy. It has already been pointed out that it is the joint view of the Commission and the committee that the office building should be located somewhere within a reasonable distance outside the District of Columbia. If we were to adopt the gentleman's amendment, and provide a minimum distance of 30 miles, we must consider the convenience of the 1,200 people who will be required to travel to this office building. To some, 30 miles may not be a great distance for the reason that they may live nearby and, therefore, may be closer to whatever locality is selected as the site for the office building. For other persons presently employed by the Commission who will be required to travel the distance which will be necessary under this proposed amendment in order to arrive at the office building, which the gentleman proposes must be at least 30 miles away, the distance that they may be required to travel might be as much as 30, 40, or 50 miles. It would seem to me, Mr. Chairman, that the House, which has had rather generous reliance upon the judgment of the joint committee in other respects will be equally reliant on the joint committee with respect to where this office building is to be located.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. COLE. I yield.

Mr. GROSS. Is this structure being built for the convenience of the employees or for the protection of the Atomic Energy Commission?

Mr. COLE. Of course, the gentleman well knows that the building is being built to house the employees of the Atomic Energy Commission as well as the Commission itself. I do not know whether the gentleman shares my viewpoint or not, but frankly I am just as concerned about the convenience and safety of the employees of the Commission as I am about the Commission itself.

Mr. GROSS. I think the gentleman is more concerned over the convenience and travel of the employees than he is for the safety of this structure and the records and personnel.

Mr. COLE. The gentleman can be assured that the office building will be constructed in such a fashion that the important records of the Commission will be safely housed and protected against any damage.

Mr. GROSS. Yes, because the records will be in vaults. We are not think-

ing of the records being safe because the records would be safe almost anywhere they are placed, and they will probably be placed in deep vaults. But that is quite a different thing from the protection of the personnel.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. COLE. I yield.

Mr. HALEY. The gentleman speaks about a change in the basic laws which were passed a year ago. I know of no reason, and I wonder whether the gentleman knows of any reason, why the Congress should not change basic laws after they are enacted, if it is found desirable to change them.

Mr. COLE. The gentleman misunderstood my statement. I did not argue that this bill does change existing law. I was simply pointing out that this amendment did not change existing law, the provisions of which still remain in the basic act for the central office to be located in or near the District of Columbia. I was simply undertaking to show that this amendment, before us now, is inconsistent with the action which the Congress took last year. Therefore, Mr. Chairman, I urge that the amendment be rejected.

Mr. DURHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hope that this amendment will be voted down. I think one of the worst things which would happen, in my opinion, and this was discussed quite at length in writing the original law, and also this provision, is that it would create a speculative interest immediately in land values if a 30-mile limitation were placed in the bill. So the committee felt that it would be wise to leave this in the discretion of the Atomic Energy Commission. I believe the House can be assured, and I am sure we are, that this building should be built outside the District of Columbia. I personally do, and I have insisted on that from the beginning. So I see no reason to adopt this amendment to create speculative prices around here. We have got to purchase the property wherever it is.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield.

Mr. GROSS. That would be true no matter where you constructed the building, would it not?

Mr. DURHAM. That is possibly true, but it is different in pinpointing 20 or 30 miles and in leaving it more or less wide open.

Mr. GROSS. How many employees will this building house?

Mr. DURHAM. There are about 1,300 at the present time employed.

Mr. GROSS. How many does the gentleman anticipate putting into this building?

Mr. DURHAM. We intend to put them all in the building. Some of them may resign. I do not know.

Mr. GROSS. How many would that be?

Mr. DURHAM. I do not know, because some are on the north side of Washington and some on the south side.

Mr. GROSS. But it is a minimum of 1,300?

Mr. DURHAM. About 1,300.

Mr. GROSS. If you construct a building out here somewhere, the employees are going to go there to go to work. The gentleman does not mean you are going to establish some segment of it downtown; do you?

Mr. DURHAM. I cannot be sure that everybody is going 30 miles outside of Washington to work. We have not done that before. We are making an attempt to put it outside of the District of Columbia.

Mr. GROSS. Have we not built some kind of a sensitive agency a great deal further out here somewhere?

Mr. DURHAM. I do not know of one at the present time where 1,300 employees have had to go that distance. All employees necessarily have to have security clearances and it takes quite a long time to secure these clearances and costs a lot of money, so we cannot afford to lose them by going too far.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. MASON. Mr. Chairman, will the gentleman yield before he gets started?

Mr. HOFFMAN of Michigan. Yes. I yield.

Mr. MASON. On the question of pinpointing the rise in value, when we say "in or near," we have a circumscribed circle that is just about so big, whatever "near" might mean. But when you say "not less than 30 miles," then you have got a much greater area, and there would be less pinpointing in that than there would be in the present language in the bill.

Mr. HOFFMAN of Michigan. I thank the gentleman.

Occasionally there comes to my desk a letter inquiring, "Just how crazy can Congress get?"

I would not ask that question, but I will ask, "Just how illogical can we get?" Now here is a building to make a place for these people, in this very sensitive agency. The purpose is to put them in or near Washington. When the gentleman suggests that 50 miles is "near" today, permit the suggestion that over the years I have been hearing that Asia and Africa and other places, all on the other side of the world, were just next door to us, and that we were forced to spend billions to protect ourselves from them because they were so close to us. We might be called on the next moment to defend ourselves from them.

If I remember correctly, there has been more or less talk and some legislation with reference to making Washington secure, because it seemed to be the center of our national defense. Then there was some talk about defense plants being placed on outside of cities where they are now located, scattering them all around, so that no one bomb could get them all at once. Up at the locks in Michigan, at Sault Ste. Marie, we had built a new airport because we had to protect the locks.

I have heard that the President has a hide-away, and they are talking about building another one for the Speaker

April 26

4362

and the assistant minority leader and for Members of Congress, to get them away from Washington in time of danger so that someone cannot blow us all up at once.

I met with a great deal of criticism one time when some one suggested a few years back, I think it was right after the Puerto Rican shooting, that someone might drop a bomb down here and blow up the Congress. Thoughtlessly I suggested if they did maybe they would get just as a good a Congress if a new Congress was elected. You know some Members here were really indignant about that; that they could not be replaced? My own opinion is that no one is indispensable. Though some are difficult to replace.

There is now before one of the committees of this House the question of moving one of the defense organizations which is over here in Baltimore, moving it to Dayton, Ohio. It was once located at Dayton, then moved to Baltimore, now it is to be sent back to Ohio, so I hear. I do not know, although I am a member of the committee, whether it ought to be moved or whether it should not be moved. But if we are to move these agencies and defense plants away from centers, then why not support this amendment offered by the gentleman from Iowa? Let the Commission put it somewhere—and I do not suppose many of us know where it should be or care where it is to be—but put it away from this very, very vital and already congested center here in Washington. Does not the amendment seem sensible? Does not that seem sound? Or should we build this \$10 million building to house these employees and then in a year or two move the agency to some other city? Some say that now we should just abandon the old Capitol here, this historic room, and the whole building itself.

Over across the plaza we built a \$12 million building for the Supreme Court. Go over there some day and take a look at it and ask or see if you can learn what it costs just to maintain it for those nine fine young learned gentlemen who administer the law, who not only administer the law, but with reference to segregation some say make the law. If the trend continues some day we will not need Congress at all, just turn everything over to the Executive—a man at the present time in whom we have the greatest confidence and whom we trust—and the Supreme Court, and let it go at that.

Is it not reasonable to suggest that when we build this new building it go out somewhere so that when those bombs come over, if they do—and that is another thing that is difficult to understand; this bombing business seems to be on a one-way road and schedule; one shot or drop will not wipe out the whole Government. For the last 10 or 12 years we have been frightened to death that either the Chinese—I do not know whether they are going to send over a bomb in a paper balloon—either the Chinese or the Russians would just blow us all to kingdom come.

The amendment offered by the gentleman from Iowa ought to be, but probably it will not be, adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The question was taken; and on a division (demanded by Mr. COLE) there were—ayes 22, noes 24.

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were refused.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Mississippi, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 5645) to authorize the Atomic Energy Commission to construct a modern office building in or near the District of Columbia to serve as its principal office, pursuant to House Resolution 214, he reported the bill back to the House.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The SPEAKER announced that the ayes appear to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on this bill may be postponed until Thursday.

Mr. GROSS. Mr. Speaker, reserving the right to object—

The SPEAKER. The Chair wishes to say to the gentleman from Iowa that there is a gentleman's agreement that there would not be a rollcall vote on a substantive matter today; therefore the gentleman from Oklahoma is asking unanimous consent that further proceedings under this bill be passed over until Thursday.

Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. Does the gentleman from Iowa withdraw his point of no quorum?

Mr. GROSS. Yes.

CLAYTON ACT AMENDMENT

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4954) to amend the Clayton Act by granting a right of action to the United States to recover damages under the antitrust laws, establishing a uniform statute of limitations, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 4954, with Mr. HAYS of Ohio in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this is a rather simple bill. In a word it provides for a uniform statute of limitations with reference to treble damage suits filed by private litigants against violators of the antitrust laws and permits a right of action on the part of the Government in its proprietary capacity by virtue of violations of the antitrust laws.

At the present time, if the United States Government is injured in that proprietary right—and it is injured many times in its procurement activities on account of violations of antitrust laws—it cannot now sue to recover actual damages. It is rather anomalous that a State can sue for such damages, a city or municipality can sue for such damages, a tri-State authority can sue for such damages, a corporation may sue, but by virtue of a decision rendered by the Supreme Court in 1941, *U. S. v. Cooper* (312 U. S., p. 600), the United States is deemed not a "person" and thus cannot sue. The word "person" is the key word in the statute. Only a "person" presently can sue.

When you contemplate that the United States Government through its procurement agencies buys upwards, shall I say of \$6 billion a month of goods and then cannot by virtue of violations or possible violations of the antitrust laws sue for its actual damages when bidders seem to cabal and unite together to defraud the Government, it is time for us to pause. We must remedy that defect.

The Attorney General has asked for this provision and among other things he has stated:

The United States is the largest single purchaser of goods in this country and may suffer substantial losses from antitrust violations. As shown in the Cooper case, the Government sustained extensive damages as the result of certain bids submitted on motor vehicle tires and tubes. For the half year ending March 31, 1937, 18 companies submitted identical bids on 82 different sizes of tires and tubes. This identical bidding was repeated in the next half year, but with substantially higher prices than for the preceding period. When bids were submitted for the third half year period the Procurement Division of the Treasury Department, upon the advice of the Attorney General, rejected the bids and invited new ones. The new bids were the same as those rejected. In the circumstances the Treasury Department negotiated a contract with another supplier for its full requirements.

In its next invitation to submit bids the Government required the bidders to warrant that the prices bid were not the result of an agreement among them. Lower bids followed. A comparison of these bids with the earlier bids showed that the United States had been injured to the extent of \$351,158.21 during the 18-month period involved. A treble-damage action against the offending companies was instituted by the Government but was dismissed on the ground that the United States is not a "person" within the treble-damage provision of the statute.

It was thus discovered that the United States Government, as the result of this illegal, illicit combination, was mulcted in the sum of a little over \$351,000. Now, there have been many other instances